



IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA

POCHYA DEE SANDERS.
As Administratrix of
The Estate of CEDRIC JAMAL
MIFFLIN. Deceased,

Plaintiff,

v.

MICHAEL DAMON SEAVERS,
Defendant.

CASE NO.: CV-2019-900-116

JURY TRIAL REQUESTED

AMENDED COMPLAINT

PARTIES

1. The Plaintiff, Pochya Dee Sanders is the Administratrix of the Estate of Cedric Jamal Mifflin, deceased. At the time of his death as hereafter described, Cedric Jamal Mifflin, resided in the state of Georgia. The Plaintiff brings this action in her capacity as the personal representative of the Deceased, Cedric Jamal Mifflin.
2. The Defendant, Michael Damon Seavers, is over nineteen years of age and is a resident of the State of Alabama.

VENUE

3. The acts complained of herein occurred in Russell County, Alabama.

FACTS

4. On May 7, 2017, in Phenix City, Alabama, the Defendant, Michael Damon Seavers acted in his capacity as a police officer with the City of Phenix City, and as such was acting under color of state law, as that term has been defined under 42 U.S.C. §1983.

5. On May 7, 2017, while the deceased, Cedric Jamal Mifflin, was driving a motor vehicle going in a direction away from the Defendant, Michael Damon Seavers, the Defendant, did willfully, wantonly, maliciously, and, in bad faith, fire approximately 16 shots from his 9mm handgun into the motor vehicle being operated by Cedric Jamal Mifflin, killing Cedric Jamal Mifflin.
6. At the time, the Defendant fired the fatal shots, he was not reasonably acting in self-defense of himself, or of others

**COUNT ONE: WRONGFUL DEATH
UNDER STATE OF ALABAMA LAW**

7. Plaintiff realleges paragraphs 1-6 of this Complaint as if fully set forth herein.
8. The Defendant, Michael Damon Seavers proximately caused the wrongful death of Cedric Jamal Mifflin on May 7, 2017.

WHEREFORE, premises considered the Plaintiff, Pochya Dee Sanders, as the duly appointed administratrix of Cedric Jamal Mifflin does pray that a Judgment be entered against the Defendant, Michael Damon Deavers in the amount of \$6 million, plus costs of court, and attorney fees.

**COUNT TWO: 42 U.S.C.
§1983 WRONGFUL DEATH**

9. Plaintiff realleges paragraphs 1-8 of this complaint, as if fully set forth herein.
10. The Defendant, Michael Damon Seavers, was at all times relevant to this cause of action acting color of state law, as that term is defined by 42 U.S.C. §1983, and the case law interpreting it.
11. The Defendant, Michael Damon Seavers, did violate the Plaintiffs constitutional rights by taking his life without due process of law in violation of 42 U.S.C. §1983.

WHEREFORE premises considered, the Plaintiff, Pochya Dee Sanders, as the duly appointed administratrix of Cedric Jamal Mifflin does pray that a judgment be entered against the Defendant, Michael Damon Seavers in the amount of \$6 million, plus costs of court, and attorney fees.

Respectfully submitted this the 1st day of May, 2019.

/s/ Pochya Dee Sanders
Pochya Dee Sanders as Administratrix of the
Estate of Cedric Jamal Mifflin, Deceased,
Plaintiff

/s/ Julian McPhillips
Julian McPhillips (ASB-3744-L74J)
Counselor for Plaintiff

/s/ Kenneth Shinbaum
Kenneth Shinbaum (ASB-3101-M62K)
Counselor for Plaintiff

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JURY DEMAND

Plaintiff hereby requests trial by jury on all issues so triable.

/s/ Kenneth Shinbaum
OF COUNSEL